

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD ROY SCOTT,) No. MC05-5029
Plaintiff,)
v.) ORDER PERMITTING CASE TO PROCEED
DAVID HACKETT; and DAROLD)
WEEKS,)
Defendants.)

This matter comes before the Court *sua sponte*. On April 5, 2005, the United States District Court judges who sit in Tacoma entered an order dismissing a number of plaintiff's causes of action and barring future litigation unless plaintiff provides a signed affidavit, along with the proposed complaint, "verifying under penalty of perjury that none of the issues raised in the proposed complaint have been litigated in the past by the plaintiff." On August 31, 2006, the Clerk of Court received a motion to proceed *in forma pauperis*, a consent for payment of costs, a complaint, and a declaration signed by plaintiff. See Dkt. #90 and #91. These are now before the undersigned for review pursuant to the terms of the bar order.

Although no relief is requested in the proposed complaint, plaintiff asserts a § 1983 claim against defendant Darold Weeks and defendant David Hackett. Plaintiff alleges Mr. Weeks and Mr. Hackett searched and seized plaintiff's computer in July of 2006. See Dkt. #90 (Proposed Complaint) at 2.

ORDER

1 Pursuant to the terms of the "Order Adopting Report and Recommendation," dated April
2 5, 2005, plaintiff has submitted a signed declaration verifying that none of the issues raised in
3 the proposed complaint have been litigated in the past by the plaintiff. See Dkt. #91
4 (Declaration).

5 The undersigned finds that the issues raised in the above-captioned matter have not been
6 previously litigated by plaintiff and may proceed subject to the other requirements imposed by
7 the "Order Adopting Report and Recommendation," dated April 5, 2005. The Clerk of Court
8 shall docket this order in MC05-5029 and open a new cause of action containing all documents
9 related to plaintiff's August 31, 2006, submission (Dkt. #90 and #91).

10 DATED this 23rd day of October, 2006.
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13 Robert S. Lasnik
14 United States District Judge